

## CHAPTER XI

### FOREIGN GOVERNMENT INFORMATION

#### Section 1

#### CLASSIFICATION

##### 11-100 Classification

a. Foreign government information classified by a foreign government or international organization of governments shall retain its original classification designation or be assigned a U.S. classification designation that will ensure a degree of protection equivalent to that required by the government or organization that furnished the information. Original classification authority is not required for this purpose.

b. Foreign government information that was not classified by a foreign entity but was provided with the expectation, expressed or implied, that the information, the source of the information, or both, are to be held in confidence must be classified by an original classification authority. The two-step procedure for classification prescribed in subsection 2-202 does not apply to the classification of such foreign government information because E.O. 12356 (reference (g)) states a presumption of damage to the national security in the event of unauthorized disclosure of such information. Therefore, foreign government information shall be classified at least Confidential, but higher whenever the damage criteria of subsections 1-501 or 1-502 are determined to be met.

##### 11-101 Duration of Classification

a. Foreign government information shall not be assigned a date or event for automatic declassification unless specified or agreed to by the foreign entity.

b. Foreign government information classified by the Department of Defense under this or previous Regulations shall be protected for an indefinite period (see subsection 11-304).

#### Section 2

#### DECLASSIFICATION

##### 11-200 Policy

In considering the possibility of declassification of foreign government information, officials shall respect the intent of this Regulation to protect foreign government information and confidential foreign sources.

### 11-201 Systematic Review

When documents containing foreign government information are encountered during the systematic review process they shall be referred to the originating agency for a declassification determination. Consultation with the foreign originator through appropriate channels may be necessary before final action can be taken.

### 11-202 Mandatory Review

Requests for mandatory review for declassification of foreign government information shall be processed and acted upon in accordance with the provisions of section 3 of Chapter III, except that foreign government information will be declassified only in accordance with the guidelines developed for such purpose and after necessary consultation with other DoD Components or government agencies with subject matter interest. When these guidelines cannot be applied to the foreign government information requested, or in the absence of such guidelines, consultation with the foreign originator through appropriate channels normally should be effected prior to final action taken on the request. When the responsible DoD Component is knowledgeable of the foreign originator's view toward declassification or continued classification of the types of information requested, consultation with the foreign originator may not be necessary.

## Section 3

### MARKING

### 11-300 Equivalent U.S. Classification Designations

Except for the foreign security classification designation RESTRICTED, foreign classification designations, including those of international organizations of governments, that is, NATO, generally parallel U.S. classification designations. A table of equivalents is contained in Appendix A.

### 11-301 Marking NATO Documents

Classified documents originated by NATO, if not already marked with the appropriate classification in English, shall be so marked. Markings required under subsection 4-402 shall not be placed on documents originated by NATO. Documents originated by NATO that are marked RESTRICTED shall be marked with the following additional notation: "To be safeguarded in accordance with USSAN Instruction 1-69" (see DoD Directive 5100.55 (reference (ee))).

### 11-302 Marking Other Foreign Government Documents

a. If the security classification designation of foreign government documents is shown in English, no other classification marking shall be applied. If the foreign classification designation is not shown in

English, the equivalent overall U.S. classification designation (see Appendix A) shall be marked conspicuously on the document. When foreign government documents are marked with a classification designation having no U.S. equivalent, as in the last column of Appendix A, such documents shall be marked in accordance with paragraph b., below.

b. Certain foreign governments use a fourth classification designation as shown in the last column of Appendix A. Such designations equate to the foreign classification RESTRICTED. If foreign government documents are marked with any of the classification designations listed in the last column of Appendix A, no other classification marking shall be applied. In all such cases, the notation, "This classified material is to be safeguarded in accordance with DoD 5200.1-R or DoD 5220.22-M," shall be shown on the face of the document.

c. Other marking requirements prescribed by this Regulation for U.S. classified documents are not applicable to documents of foreign governments or international organizations of governments.

#### 11-303 Marking of DoD Classification Determinations

Foreign documents containing foreign government information not classified by the foreign government but provided to the Department of Defense in confidence shall be classified as prescribed in paragraph 11-100 b. and marked with the appropriate U.S. classification.

#### 11-304 Marking of Foreign Government Information in DoD Documents

a. Except where such markings would reveal that information is foreign government information when that fact must be concealed, or reveal a confidential source or relationship not otherwise evident in the document or information, foreign government information incorporated in DoD documents shall be identified in a manner that ensures that such information is not declassified prematurely or made accessible to nationals of a third country without consent of the originator. This requirement may be satisfied by marking the face of the document "FOREIGN GOVERNMENT INFORMATION," or with another marking that otherwise indicates that the information is foreign government information, and by including the appropriate identification in the portion or paragraph classification markings, for example, (NS) or (U.K.-C). All other markings prescribed by subsection 4-103 are applicable to these documents. In addition, DoD classified documents that contain extracts of NATO classified information shall bear a marking substantially as follows on the cover or first page: "THIS DOCUMENT CONTAINS NATO CLASSIFIED INFORMATION."

b. When foreign RESTRICTED or NATO RESTRICTED information is included in an otherwise unclassified DoD document, the DoD document shall be marked CONFIDENTIAL. All requirements of subsection 4-103 apply to such documents. Portion markings on such a document include, for example "(U)," "(NR)," and "(F'RG-R)." In addition, the appropriate caveat from paragraph a., above, shall be included on the face of the document.

c. The "Classified by" line of DoD documents containing only foreign government information normally shall be completed with the identity of the foreign government or international organization involved, for example, "Classified by Government of Australia" or "Classified by NATO," provided that other requirements of subsection 4-104 do not pertain to such documents.

d. The "Declassify on" line of DoD documents containing foreign government information normally shall be completed with the notation "Originating Agency's Determination Required" or "OADR" (see subsections 4-600 and 11-101).

#### Section 4

#### PROTECTIVE MEASURES

##### 11-400 NATO Classified Information

NATO classified information shall be safeguarded in accordance with the provisions of DoD Directive 5100.55 (reference (ee)).

QUESTIONS CONCERNING THE RELEASABILITY OF INFORMATION TO NATO SHOULD BE REFERRED TO THE DIRECTORATE FOR INFORMATION SECURITY (ODUSD/P), ROOM 3C260, TELEPHONE 695-2686. INFORMATION ON ANY OTHER PART OF THE PROGRAM MAY BE OBTAINED FROM THE OSD SUB-REGISTRY, ROOM 3A948 , TELEPHONE 697-9287.

##### 11-401 Other Foreign Government Information

a. Classified foreign government information other than NATO information shall be protected as is prescribed by this Regulation for U.S. classified information of a comparable classification.

b. Foreign government information, unless it is NATO information, that is marked under paragraphs 11-302 b. or 11-304 b. shall be protected as U.S. CONFIDENTIAL, except that such information may be stored in locked filing cabinets, desks, or other similar closed spaces that will prevent access by unauthorized persons.